

### REMARKS

Entry of the foregoing and reconsideration of the application is respectfully requested in accordance with 37 CFR § 1.116.

The objection to the Abstract was maintained, because the Abstract did not specify the elected invention. The abstract has been amended to mention the Bt14 protein specifically. However, Applicants note that Manual of Patent Examination Procedure § 608.01(b) states that "The purpose of the abstract is to enable the United States Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure." Applicants understand that the abstract is intended to be an abstract of the disclosure, not an abstract of the claims. That is, the abstract is intended to inform the reader of the content of the disclosure as a whole, not just the invention to which the claims have been restricted.

Claims 21, 24 and 26 were rejected under 35 U.S.C. § 101 for double patenting. The rejection is moot, because claims 21, 24 and 26 have been canceled.

Claim 33 was rejected under 35 USC § 112, second paragraph, as allegedly indefinite because the preamble did not recite what the method is intended to do or produce. Claim 33 has been amended to indicate that it is a method for growing a plant, seed, or plant cell. However, Applicants note that the Office has not provided any authority in the M.P.E.P., statutes, or case law which would require the preamble of a claim to state the purpose of a method. Applicants respectfully submit that a person of ordinary skill in the art would understand the metes and bounds of the claim from the recitation of the particular steps of the method. Therefore, it is believed that the amendment is not actually necessary for patentability.

Claims 22, 25, 27 and 32 were objected to as dependent on rejected base claims. The objection is moot because claim 22 has been rewritten in independent form and claims 32 and 33 have been amended so as not to depend from any rejected claims.

A notice of allowance is believed to be next in order and such action is respectfully requested.

In the event that there are any questions relating to this Amendment and Reply or the application, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

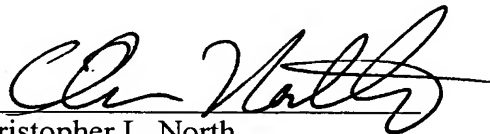
The Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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